New Bern, N.C. Charters.

Charter of the City of New Bern.

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1886

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CHARTER

OF THE

CITY OF NEWBERN,

AND

ORDINANCES

OF THE

BOARD OF COUNCILMEN.

PASSED AND ADOPTED 1st DAY DEC. 1883.

NEWBERN, N. C.
N. S. RICHARDSON & SON, PRACTICAL BOOK AND JOB PRINTERS.
1883.

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NEWBERN, N. C.
N. S. RICHARDSON & SON, PRACTICAL BOOK AND JOB PRINTERS.
1886.

OFFICERS.

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MAYOR:
E. H. MEADOWS.

COUNCILMEN:

WM. ELLIS,
E. W. SMALLWOOD,
J. W. MOORE,
V. A. CRAWFORD,
F. W. HANCOCK,
J. H. HACKBURN,
ALEX. MILLER,
N. H. STYRON.

CITY CLERK AND TAX COLLECTOR:
R. D. HANCOCK.

TREASURER:
J. W. MOORE.

CITY MARSHAL:
JOHN M. HARGET.

SEXTON CEMETERIES:
W. N. RUSS, Cedar Grove, R. WILLIAMS, Greenwood.

ATTORNEYS:
SIMMONS & MANLY.

PORT PHYSICIAN:
DR. F. W. HUGHES.

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CHARTER.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN.

The General Assembly of North Carolina do enact as follows:

SECTION 1. That the corporate powers and authority granted to the city of Newbern shall be vested in and exercised by a mayor and eight councilmen. No person shall be eligible as mayor or councilman unless he shall be eligible as a member of the legislature of this state and shall have resided within the city ninety days next preceding the day of election. And every councilman elected by the people shall be a resident of the ward for which he shall be chosen ninety days next preceding the day of election.

SEC. 2. That one councilman shall be elected for each of the five wards of the city by the qualified voters of such wards respectively, and within five days after their election they shall convene and qualify before the former mayor or a justice of the peace. Immediately after qualifying they shall proceed to elect as follows: Three councilmen from the people at large. The councilmen of the second and third wards shall elect one. The councilmen of the first and fifth wards shall elect one, and the councilmen of the second and fourth wards shall elect one. The councilman of the first ward shall preside as chairman of this meeting of the board, who shall vote as a councilman, and in case of a tie shall give the casting vote. In the absence of the councilman of the first ward the councilman of the second ward shall preside as chairman. Immediately after such election the three councilmen so chosen from the people at large shall qualify before the mayor or a justice of the peace. Whereupon the board of councilmen or a majority of them shall proceed to elect from outside their number a mayor, who within five days after his election and before entering on the duties of his office shall qualify before the outgoing mayor or a justice of the peace, and in case of a tie shall give the casting vote.

SEC. 3. If any vacancy shall occur in the board of councilmen by any councilman failing to qualify in the time prescribed, or after qualifying shall fail to serve, or occurring from any cause, the councilmen elect who have qualified shall fill the vacancy so occurring and such person only shall be chosen as are heretofore declared to be eligible. If the election of mayor or any councilman from the people at large shall have been prevented by a vacancy in the board of councilmen such election shall be proceeded with as heretofore declared after the vacancy is filled.

SEC. 4. Any person qualified to serve and elected mayor or councilman either by the electors at their annual election, or by the councilmen to fill a vacancy, or otherwise, who shall not take the oath of office within five days after his election, or who, having qualified, shall not continue to serve during the term for which he may be elected, (inability from sickness, absence from the city, or removal excepted,) shall forfeit and pay one hundred dollars, to be recovered in the name and for the benefit of the city of Newbern: *Provided*, that no person so elected or refusing to serve shall be subject to said penalty if such person shall have served as mayor or councilman one year in the five years last preceding said election.

SEC. 5. Whenever there shall be a vacancy in the office of mayor, and when the mayor shall be absent from the city, or be prevented by sickness or any other cause from attending to the duties of his office, the board of councilmen may appoint one of their number to act as mayor, who shall possess all the rights and powers of mayor during the continuance of such vacancy, absence or disability.

SEC. 6. The mayor shall preside at the meeting of the board of councilmen, but shall have no vote except in case of tie.

SEC. 7. It shall be the duty of the mayor to communicate at least twice a year in writing, or oftener if he shall deem it expedient, a general statement of the situation and condition of the city in relation to its government and improvement; second, to recommend to the adoption of the board of councilmen all such measures connected with the police, security, health and cleanliness of the city as he shall deem expedient; third, to be vigilant and active in causing the laws and ordinances for the government of the city to be duly executed and enforced; fourth, to keep a faithful minute of all precepts issued by him and of all his judicial proceedings, and to report in writing at every regular monthly meeting of the board of councilmen the total amount of costs and fines that have been imposed by him in all judicial proceedings, for the violation of city ordinances during the previous month.

SEC. 8. That the mayor shall have power to commit any person convicted of a violation of any city ordinance to the county or city prison until the fines and costs are paid, or require such person so imprisoned to work on the streets until the fines, costs and prison fees are paid, and such person can only be released as is provided in like cases in other courts.

SEC. 9. That the board of councilmen shall appoint a fit and proper person, who shall be a qualified voter of the city, to the office of city marshal, who shall give bond with approved sureties in a penal sum to be fixed by the board and payable to the city of Newbern, with conditions that he will diligently perform all duties imposed upon him by virtue of his office and faithfully pay to the treasurer all sums of money

collected or recovered by him to or for the use of the city, and shall hold the office during the term of the board appointing him, subject to be removed at any time for misconduct.

SEC. 10. It shall be the duty of the city marshal to pay over to the city treasurer all money that may be collected by him to or for the use of the city at least once every month, and shall communicate to the board of councilmen at their regular monthly meeting in writing a full statement of all costs, fines and fees collected and the disposition made of the same.

SEC. 11. It shall be the duty of said marshal and the police to preserve the peace by the suppression of disturbances and the apprehension of all offenders, and the marshal or any policeman shall have power to summons as many persons as he may deem necessary to assist in the performance of the above duties.

SEC. 12. That no person shall be entitled to vote for councilman or any other city elector unless he shall be qualified and entitled to vote for members of the general assembly of the state and shall have resided in the ward which he offers to vote for ninety days immediately preceding the day of election: *Provided:* the residence of a married man shall be in the ward where his family resides, and that of a single man where he boards and sleeps, and should any single man board in one ward and sleep in another, then his residence shall be in the ward in which he sleeps, and he shall not vote or register in any other ward. But no elector shall be allowed to register in any ward to which he shall have removed for the mere purpose of being a voter therein, nor unless his residence therein is actual and *bona fide;* and any person knowingly and fraudulently registering and voting at any other place than that of his *bona fide* residence shall be deemed guilty of a crime infamous to the laws of the state, and on conviction thereof shall be fined five hundred dollars and imprisoned six months.

SEC. 13. Any person who shall cause or procure his name to be registered in more than one election ward of the city, or shall cause or procure his name or that of another person to be registered knowing that he or the person whose name he has procured to be registered is not entitled to vote in the ward wherein such registration is made, at the ensuing election to be held therein, or who shall falsely personate any registered voter, shall be deemed guilty of a crime infamous to the laws of the state, and upon conviction shall be fined five hundred dollars and imprisoned six months.

SEC. 14. That the board of councilmen shall appoint one registrar and two inspectors of election for each ward previous to every election, and the registrars so appointed shall open their registration books on Thursday, Friday and Saturday immediately preceding the regular annual election in some convenient place in each ward, between the hours of eight a. m. and six p. m. of each day, when all persons legally entitled

to register may do so; and the registrars may transfer from the old registration book such names only as they know are legally entitled to be transferred from the old registration book, and the registrars shall receive six dollars for performing said service.

SEC. 15. That if any person appointed as registrar shall fail or refuse to discharge the duties of registrar, the other registrars shall fill the vacancy.

SEC. 16. If any person appointed as inspector of election shall fail or refuse to discharge the duties thereof, the registrar for the ward in which the vacancy occurs shall fill the same, and the registrars and inspectors, before entering upon the duties of their office shall qualify before some justice of the peace.

SEC. 17. That the board of councilmen may appoint a port physician, a city attorney, a sexton for each cemetery, and three policemen, who shall hold their office during the term of the board appointing them, subject to be removed at any time for misconduct: *Provided*, the board can at any time reduce or entirely discontinue the police force as may be thought best.

SEC. 18. That the board of councilmen shall have power to make and provide for the execution thereof, such ordinances for the government of the city as they may deem necessary, not inconsistent with the laws of the land, and they shall have power by all needful ordinance[s] to secure order, health, quiet and safety within the same, and for one mile beyond the city limits; and the powers and privileges of the mayor as a justice of the peace to be exercised within the above limits.

SEC. 19. That any person violating any ordinance of the city shall be deemed guilty of a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars and imprisonment at labor on the streets for thirty days.

SEC. 20. That the councilmen may require and compel the abatement of all nuisances within the city at the expense of the person causing the same, or of the owner or tenant of the ground whereon the same shall be.

SEC. 21. That the board of councilmen may take such measures as they may deem effectual to prevent the entrance into the city of any contagious or infectious disease, may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease, may establish and regulate hospitals within the city or within three miles thereof, may cause any person in the city suspected to be infected with such diseases and whose stay may endanger health, to be removed to the hospital, may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease.

SEC. 22. That in case any person be removed to the hospital, the corporation may recover before the mayor or any justice of the peace of such person the expense of his removal, support, nursing and medical attendance; and in case of death, of his legal representative, and in that event, burial expenses also, if the corporation incur that expense.

SEC. 23. That the board of councilmen may take such measures as they may deem effectual to stop, detain and examine within three miles of the city limits all railroad trains and other public conveyances bringing passengers or goods to said city, and that the compensation of the port physician for visiting such trains or other conveyances shall be paid by the owner or owners of such train or conveyances: *Provided*, that the compensation shall not exceed two dollars for each visit: *Also provided*, this section shall not apply to vessels or steamers or subjects now governed by the general marine quarantine laws.

SEC. 24. That the board of councilmen are empowered to make such rules and regulations as they may deem best for the sale of all animals found roaming at large in the streets contrary to the ordinances of the city: *Provided*, no stray shall be sold without first being advertised five days in some daily paper of the city, or in lieu thereof at three public places in said city; all strays so taken and duly advertised to be sold at public auction at the court house door for the benefit of the city; and the mayor is hereby empowered to make title to all such strays after having fulfilled the requirements of this section.

SEC. 25. That no mayor or councilman or other officer of the city shall directly or indirectly become a contractor for work to be done for the city, and no work shall be awarded any contractor without good and sufficient sureties.

SEC. 26. That no fees or costs of magistrates or other officers for the arrest or trial of persons charged with misdemeanors, including vagrancy, shall be assessed upon or collected of the city.

SEC. 27. That all costs, fees and fines imposed by the mayor in any process in connection with the breach of any city ordinances shall be collected by the city marshal and paid over to the treasurer for the use of the city, except as hereinafter provided, and in no event shall the city be required to pay any part of such costs and fees.

SEC. 28. That the salaries of the officers of said city shall in no case exceed the sums following: The mayor four hundred dollars per annum, without costs or fees; the treasurer two hundred dollars; the clerk two hundred dollars; the city marshal twenty-five dollars per month and one half of the costs and fees collected in any process in connection with the breach of any ordinance of the city; city attorney two hundred dollars per annum; sexton twenty dollars per month; and that of each policeman thirty dollars per month.

SEC. 29. All moneys arising from taxation, donation or other sources shall be paid to the treasurer of the city, and no appropriation thereof

shall be made except for the necessary expenses of the city, and but by a concurring vote of six-eights (6-8) of all the councilmen.

SEC. 30. That the board of councilmen shall have power to impose annually such tax per capita on all dogs running at large or kept within said city as they may deem proper, and may require all dogs to wear such tax badge as they may designate.

SEC. 31. Any person residing in the city having therein any dog and shall not return it for taxation, and shall fail to pay the tax according to law after fifteen days' public notice of the imposition thereof, shall be guilty of a misdemeanor and on conviction thereof before the mayor or a justice of the peace shall be fined not exceeding five dollars, or imprisoned two days, or the dog may be treated as a nuisance and destroyed.

SEC. 32. That the board of city conncil shall have power to levy and collect the following license tax for the privilege of carrying on the trade, profession, business, or doing the acts named, and nothing in the schedule shall be construed to relieve any person from the payment of the *ad valorem* tax on his property: on all banks or bankers, express, telegraph and insurance companies, dealers in spirituous, vinous and malt liquors, a tax not to exceed fifty dollars per annum; on all drummers selling or offering to sell any goods, wares or merchandise, with or without sample. a tax not to exceed fifty dollars a year, or three dollars a day for each and every day they shall so sell or offer to sell; and are empowered to tax all persons following any trades or profession or professions, or any other occupations or callings, provided the total amount collected from any person or firm shall not exceed twenty-five dollars per annum; and all subjects now allowed to be taxed by act of April sixth, one thousand eight hundred and seventy-one, the amount named in said act and not inconsistent with this section.

SEC. 33. That every person who shall practice any trade, profession, or use any franchise taxed according to law by said board of councilmen without having first obtained a license for the same as required, shall be deemed guilty of a misdemeanor and subject to a penalty of not more than fifty dollars or imprisonment for thirty days, to be recovered before the mayor for the benefit of the city, and any goods, wares or other property of the owners may be forthwith distrained by the tax collector and sold to satisfy the tax and costs of collecting the same.

SEC. 34. That the board of councilmen shall have power to divide the license tax enumerated into monthly installments to be paid in advance by the party liable to the same upon receipt of license to carry on their respective trades, professions or occupations, and said councilmen may allow a reduction of twenty five per cent. on all license tax to such persons as shall pay their license tax for twelve months in advance, or for the time said board shall continue in office.

SEC. 35. That the said board of councilmen shall appoint a tax collector, a freeholder, who shall be a resident of the city, and who before entering upon the discharge of his duties shall give bond in the sum of five thousand dollars, with two or more securities freeholders in the city of Newbern, to be approved by the mayor and council, and who shall justify before a justice of the peace in double the amount of the bond payable to the mayor and council of the city of Newbern, with condition for the due collection, payment and settlement of the taxes imposed by the council of said city; and the said tax collector is hereby vested with the same power and authority to collect the said taxes as well as those contained in the list of taxables as those due from delinquents by distress or otherwise as by law the sheriffs of the states are or may be empowered, and he shall be entitled to five per cent. on the gross amount of all taxes collected as a compensation for his services; and in case of failure to collect and pay the same within the year for which such taxes are laid said tax collector shall forfeit his compensation for collection, and it shall and may be lawful for the superior courts of Craven county, on motion in behalf of said mayor and council to give judgment against said tax collector and his sureties or against their heirs, executors or administrators for all moneys wherewith said tax collector may be chargeable to said mayor and council, except such part thereof as may be allowed to said tax collector by the council as insolvents or such as on proofs to the said court may by said court or jury by whom such case is tried be allowed to said tax-collector as insolvent, with costs of suit, and thereupon to award execution as in other cases of judgment in said court: *Provided*, that ten days' notice of such motion shall be given to every person against whom such judgment is applied for: *Provided*, that it shall be sufficient notice of the sale of any property by said tax collector for taxes to advertise the same in a newspaper printed in the city of Newbern for four weeks; and for any misapplication of the funds that may come into his hands as tax collector he shall be liable to indictment as for a misdemeanor.

SEC. 36. That the said mayor and council shall appoint from their body a treasurer who shall give bond in the sum of five thousand dollars payable to the mayor and council of the city of Newbern, with two or more sureties to be approved by the council, who shall be freeholders in the city of Newbern, and who shall justify before a justice of the peace in double the amount of the bond conditioned for the faithful discharge of the duties of treasurer. Said treasurer shall publish a monthly itemized statement of all moneys received and disbursed by him, in every ward of the city and at the court house door, which shall be sworn to before a justice of the peace.

SEC. 37. That no property or subjects of taxation which are especially exempted shall be taxed by the city, and that the annual tax upon the poll shall not exceed the sum of one dollar, and that the annual tax

on real estate and personal property shall not exceed the sum of fifty cents on the one hundred dollars valuation: *Provided*, that sixteen and two-thirds cents on the one hundred dollars valuation of the above tax shall be annually reserved by the city treasurer until the amount so reserved shall be sufficient to purchase a steam fire engine, hose and necessary apparatus of [for] the city of Newbern.

SEC. 38. That when a sufficient amount shall have been reserved to purchase a steam fire engine, hose and necessary apparatus, such purchase shall be made without delay.

SEC. 39. That after a sufficient amount is collected to purchase a steam fire engine, hose and necessary apparatus the annual tax on real and personal property shall not exceed thirty-three and one-third cents on the one hundred dollars valuation.

SEC. 40. No sale of real estate in said city for the payment of taxes assessed against such real estate shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as the property of an unknown owner, or on account of any informality or irregularity whatever in any proceedings for its assessment or sale, unless the person impeaching such sale shall show that the taxes so appearing as assessed on such property, and all the penalties and costs accruing on such assessment and the proceedings for the sale, were paid at the time of the sale of the said property.

SEC. 41. That the tax collector is hereby authorized and empowered to sell the real estate in the city for taxes whether such real estate belongs to resident or non-residents or to persons unknown, and to sell any one lot or sub-division of a lot, or so much and such part thereof as may be necessary to pay the taxes due; and further, that the owner or any one for him, or any mortgagee or person having a lien, be allowed to redeem any property sold for taxes at any time within two years on paying the purchaser or the city treasurer for him the amount of the tax, costs and expenses of sale paid by the purchaser, with twenty-five per cent. thereon and two dollars for the expense of reconveyance. The board of councilmen, by the mayor, tax collector or any other agent, may purchase any real estate sold for taxes, and in such event the deed conveying the same shall be made to the city, and all such real estate so purchased may be deemed as other real estate sold for taxes as aforesaid, and when so redeemed the mayor shall reconvey the same to the owner or owners, or his or their agent or heirs-at-law at their expense as aforesaid. The land of an infant, lunatic or person *non compos mentis* shall not be sold for taxes, and when the same shall be owned in common with others free from such disability, the sale shall be made according to section two, chapter ninety-nine of the Revised Code.

SEC. 42. That if the real estate sold as aforesaid shall not be redeemed within the time specified the then tax collector shall convey the same

in fee to the said purchaser or his assigns, and the recital in such conveyance or in any other conveyance of land sold for taxes due the city that the taxes were due shall be *prima facie* evidence that the same was true.

SEC. 43. If the party charged with taxes and failing to pay the same shall have personal property within the city limits of the value equal to the tax charged against him, the tax collector shall seize and sell the same in the same manner as is required for the sale of property by the sheriffs under execution.

SEC. 44. That the board of councilmen shall not allow any compensation of any services rendered by the auditing committee in the discharge of their duties as such committee, nor to any member thereof in the discharge of the duties of the same.

SEC. 45. That the board of councilmen are authorized to make such rules and regulations as they may deem proper for the erection, continuance or discontinuance of all sheds, awnings and signs over the sidewalk, and of all platforms and bridges on or over said sidewalks or ditches of the city.

SEC. 46. That the board of councilmen are hereby empowered, upon any special occasion when it may be deemed necessary for the peace and quiet of the city, to appoint such extra police force as may be required, and whose compensation shall not exceed the sum of one dollar per day.

SEC. 47. All tax lists which have or may hereafter be placed in the hands of the tax collector, the minutes of all meetings as recorded by the clerk of the board, and all documents or books containing any record relative to the government of the city, shall be opened for the inspection of the public.

SEC. 48. All ordinances passed by the board of councilmen for the better government of the city shall be entered in the minutes of the meeting at which they were passed, and also recorded in a book to be kept for that distinct purpose, and which shall set forth the number of the ordinances and the date of their passage.

SEC. 49. That no ordinances shall be of effect until public notice shall have been given of the passage of the same, either by advertisement for one week in some daily paper of the city, or by notice for ten days in each ward of the city, and at the court house door.

SEC. 50. All the work to be done for the city wherein the total amount for material and labor shall exceed the sum of two hundred dollars shall be let out only on written contract to the lowest bidder, and no contract shall be made but by a concurring vote of six-eights of all the councilmen. No work or contract shall be subdivided so as to defeat the operation of this section.

SEC. 51. That all votes taken in making appropriations or contracts shall be entered upon the minutes of the meeting at which such vote

was taken, and shall designate the names of the councilmen voting in the affirmative and likewise those voting in the negative.

SEC. 52. If among the number voted for councilmen there should be any two or more who have an equal number of votes, and either would be elected but for the equal vote, the registrar of the ward in which such tie occurs shall decide the election.

SEC. 53. That this act shall be enforced from and after its ratification, and all laws and parts of laws in conflict with this act are hereby repealed.

Ratified the 4th day of March, A. D. 1879.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN.

The General Assembly of North Carolina do enact:

SECTION 1. That the forty-ninth section of an act passed in 1879, chapter 42, entitled "An Act to amend the Charter of the city of Newbern" be amended so as to read as follows: No ordinance shall take effect until after it shall have been published either in a daily paper of the city or posted for five days at the police station.

SEC. 2. That this act shall be enforced from and after its ratification, and all laws and parts of laws in conflict with this act are hereby repealed.

Ratified the 18th day of January, A. D. 1881.

AN ACT FOR THE BETTER PROTECTION OF FARMERS AND FISHERMEN.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for the board of aldermen or other proper authorities of the cities of Wilmington, Tarboro and Newbern to impose or collect any tax on or for the sale of fresh meats, beef, pork, mutton, game, fish, oysters, clams, garden truck and all farm products, on any of the streets or alleys thereof from wagons, carts, shops or stores, or to in any manner interfere with the sale of the above-named articles.

SEC. 2. Any person or persons violating the provisions of the above section of this article [act] shall be deemed guilty of a misdemeanor, and on conviction before any justice of the peace be fined not less than fifty dollars or imprisoned not less than thirty days for each and every offence.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 5th day of March, A. D. 1881.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE CITY OF NEW BERNE.

The General Assembly of North Carolina do enact:

SECTION 1. The mayor and council of the city of New Berne are authorized and required to submit to the qualified voters of said city at the next regular election of councilmen, and under the rules and regulations governing said election, whether an annual assessment shall be levied therein for the support of one or more graded schools in said city. That such qualified voters at such election are authorized to vote on written or printed ballots the words, "for schools" and "against schools," and the penalties for illegal and fraudulent voting in this election shall be the same as in the annual election for councilmen in said city of New Berne.

SEC. 2. In case a majority of the qualified voters at such election shall vote "for schools," an assessment shall be levied and collected by the city authorities under the same rules and regulations by which other city taxes are levied and collected, and the assessment collector shall be subject to the same liabilities for the collection and disbursement as he is, or may be, for city taxes: *Provided*, that the assessment collector shall, before receiving the assessment list, enter into bond in the penal sum of double the amount of the assessment levied, payable to the city of New Berne, conditioned for the faithful collecting and accounting for said assessment, and his compensation for said services shall not exceed two and one-half per centum: *And provided further*, the special assessments so levied and collected shall not exceed one-third of one per centum on the value of property and one dollar on the poll, and that the assessments thus levied and collected shall be applied exclusively for the support of two or more "graded public schools," and shall not be appropriated or expended for any other purpose.

SEC. 3. The special assessments thus levied and collected from the taxable property and polls of white persons shall be expended in keeping up a graded public school for white children of both sexes between the ages of six and twenty-one years, and the special assessments thus levied and collected from the taxable property and polls of colored persons shall be expended for the keeping up a graded public school for the colored children of both sexes between the ages of six and twenty-one years in said city.

SEC. 4. That the board of trustees of the New Berne Academy be and they are hereby constituted the board of trustees for the graded school for the white children. That said board shall have power to fill all vacancies occurring in said board, to employ teachers and to do all such acts as may be necessary to carry on said graded school for the white children.

SEC. 5. That the money arising from the special assessment herein provided for, collected from the property and polls of white persons shall, as soon as collected, be paid over to such person or persons as the board of trustees aforesaid shall appoint, and that the public school money which shall from time to time be collected under the general school law for public school purposes applicable for the white children in said city of New Berne, shall be in like manner paid over to said board of trustees, and shall be applied for keeping up the said public graded school or schools.

SEC. 6. That the school committee of district number eight in the county of Craven, and their successors in office, and E. A. Richardson, V. A. Crawford, I. B. Abbott, A. Bass, B. W. Morris, George H. White, Robert G. Mosely, A. G. Oden, George S. Fisher, Joseph Mumford, M. F. Bryan, Rev. George B. Willis, John A. Jones, H. H. Simmons, Alexander Sanders, E. R. Dudley, C. R. Robbins, be and they are hereby constituted a board of trustees for the graded school for the colored children; that said board shall have power to fill all vacancies occurring in said board; to employ teachers and do all such acts as shall be necessary to carry on said graded school for colored children.

SEC. 7. That the money arising from the special assessment herein provided for, collected from the property and polls of colored persons shall, as soon as collected, be paid over to the treasurer of the county of Craven, and held by him, subject to the orders and directions of the board of trustees of said public graded school for the colored children, and the school committee of district number eight in the county of Craven: *Provided*, said Treasurer shall receive as compensation for receiving and holding said money, not exceeding two and one-half per centum upon the amount so received and held.

SEC. 8. That the principal and teachers of the schools in this act provided for, shall not be subject to the restrictions and limitations as to salary prescribed by section fifty-one of chapter sixty-eight, of Battle's Revisal, but may be paid such compensation as may be deemed just and proper.

SEC. 9. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 13th day of February, A. D. 1883.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-seven of chapter forty-two of the private laws of one thousand eight hundred and seventy-nine, be and the same is hereby amended by striking out the word "fifty" in the fifth line of said section, and by inserting instead thereof the word "sixty." Further, that all of said section thirty-seven, after the word "valuation," in the sixth line thereof, be stricken out: *Provided*, that ten cents on the one hundred dollars' valuation of the above tax shall be annually reserved by the city treasurer for two years for the payment of the judgment debt against the city of Newbern. That thereafter the annual tax on real and personal property shall not exceed fifty cents on the one hundred dollars valuation.

SEC. 2. That section thirty-eight and section thirty-nine of said chapter forty-two of the private laws of one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1883.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter forty-two, section thirty-seven, of the laws of eighteen hundred and seventy-nine, entitled "An act to amend the charter of the city of New Berne," and all acts amendatory thereto, be amended so as to read: "That no property or subjects of taxation which are especially exempted shall be taxed by the city, and that the annual tax upon the poll shall not exceed the sum of one dollar and eighty cents, and that the annual tax on real estate and personal property shall not exceed the sum of sixty cents on the one hundred dollars' valuation."

SEC. 2. All laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 3rd day of March, A. D. 1885.

ORDINANCES.

CHAPTER I.

Rules for the Government of the Board.

SECTION.
1. Board to meet monthly.
2. Order of Business.
3. Mayor to decide questions of order.
4. Previous question.
5. Motion to adjourn.
6. Money appropriations and ordinance at general meeting only.
7. Reconsideration, when allowed.
8. Ordinances, when in force.
9. Standing committees.
10. Elections, how made.
11. Conduct of members during session.
12. Restriction on debate.
13. Order when questions are put.
14. Precedence of motions.
15. When question divisible.
16. Amendments and substitutes.
17. Reports from committees.
18. Petitions read by the clerk, &c.

Section 1. There shall be a regular meeting of the councilmen at the mayor's office on the first Tuesday in each month, and the meeting in May shall be on the Tuesday after the first Monday. The mayor or a majority of the board may call a special meeting in case of emergency, but no business shall be transacted at such meeting except that for which it may be called. Five members of the board shall constitute a quorum. If a quorum fail to attend the meeting shall stand adjourned to a day agreed on by a majority of the members present.

Sec. 2. Whenever a regular meeting shall be organized the order of business shall be as follows: Calling Roll of Members. Reception of Petitions. Reports of Committees. Reports of Officers. Unfinished Business. New Business. Auditing Bills. Reading Minutes. Adjournment.

If the board desires any matter to be the special business of a future meeting the same shall have precedence at such meeting. A proposition may not be entertained by the mayor until it is recorded; and the propounder when required by the mayor or by any member shall reduce the same to writing.

Sec. 3. The mayor shall preserve order, decide all questions of order, and appoint the committees, standing and special; but any member may appeal to the board from the decision of the mayor upon any question of order, and on such appeal no councilman shall speak more than once without leave nor longer than three minutes.

SEC. 4. The previous question may be called at any time by a majority of the members present. The ayes and noes may be called by any member.

SEC. 5. A motion to adjourn shall always be in order and shall be decided without debate.

SEC. 6. No proposition to appropriate money, to alter or repeal any ordinance or rule of the board, to enact any new ordinance or to establish any new rule shall be made or decided at any other than a regular meeting.

SEC. 7. No question decided by the board shall be again brought forward at any subsequent meeting except upon a motion made by some member who voted with the majority. A motion to reconsider a vote shall not be in order except at the same or succeeding adjourned meeting to that at which the vote was taken; provided that a vote or question may be reconsidered at any time by a vote of two-thirds of the board.

SEC. 8. Every ordinance shall be in force from and after its publication according to charter unless a longer or fuller notice be ordered.

SEC. 9. The standing committees shall be as follows, viz: Fire Department, Finance, Sanitary, Police, Streets and Pumps, Wharves and Docks, Ordinances and Licenses, Cemeteries, Fire District.

SEC. 10. All elections by the board shall be made by ballot if required by any member; and a majority of the votes of all the members present shall be necessary to make an election or appointment.

SEC. 11. After the mayor has taken the chair no member shall continue standing except to address the chair.

SEC. 12. Speakers shall rise to address the chair and shall confine themselves to the point in debate.

SEC. 13. When the mayor is putting any question the councilmen shall remain in their seats and shall not hold any private discourse.

SEC. 14. When a question is under consideration no motion shall be received except as follows: 1. To lay on the table. 2. To postpone to a time certain. 3. To postpone indefinitely. 4. To refer to a committee. 5. To amend. 6. To divide. And motions for any of these purposes shall have precedence in the order named.

A motion to adjourn and to lay on the table shall always be in order, and shall be decided without debate; and of them the motion to adjourn shall have precedence;

but no motion to adjourn or to table shall be entertained while the board is voting, or immediately succeeding the same; (some intervening business must have been transacted.)

SEC. 15. If a question under discussion contains several distinct propositions the same shall be divided at the request of any member, and a vote taken separately; but a motion to strike out and insert shall be indivisible.

SEC. 16. All Amendments shall be considered in the order in which they are moved. When a proposed amendment is under consideration, a motion to amend the same may be made. No further amendment to such second amendment shall be in order; but when an amendment to an amendment is under consideration a substitute for the whole matter may be received. No proposition on a subject different from the one under consideration shall be received under color of a substitute.

SEC. 17. The reports of all the committees shall be in writing and shall be received as a matter of course without motion for acceptance. All reports recommending or requiring any action or expression of opinion by the board shall be accompanied by a corresponding resolution.

SEC. 18. Applications and petitions to the board shall be read and laid on the table as a matter of course, subject to any motion which a councilman may think proper to make. All such applications and petitions shall be presented through the clerk of the board.

CHAPTER II.

POLICE ORGANIZATION.

SECTION.
1. The police force.
2. The mayor.
3. The marshal.
4. Police.
5. May summon posse.
6. May enter house.
7. Duties at fire, &c.
8. Resisting an officer.
9. Sick policeman.
10. Special policemen.
11. Marshal to account monthly.
12. Police duties distributed.
13. Marshal's duties.
14. Uniform.
15. Detective.

SECTION 1. The police organization for the city shall consist of the mayor, the city marshal and as many policemen as the board of councilmen shall from time to time provide.

SEC. 2. The mayor shall have the general control of the police department and may at any time suspend from duty any member of the police force without pay until the next regular monthly meeting of the councilmen, when the case shall be disposed of by the board. And during such intervals of suspension the mayor shall have power to appoint a substitute and to call a special meeting for the purpose of qualifying such substitute, if necessary.

SEC. 3. The city marshal shall be elected at the first regular meeting in May of each year. He shall give bond payable to the "*City of Newbern*" in the sum of two hundred and fifty dollars conditioned for the faithful performance of his duties. He shall be chief of police, and under the direction and control of the mayor shall superintend and regulate the department. He shall keep a record book and enter therein all violations of law in the city, or violations of city ordinances and police regulations and by whom committed. And he shall transfer from said record book to the mayor's trial docket all cases requiring judgment. He shall report to the mayor each day, at an hour to be designated by the mayor, a docket of cases prepared with the parties defendant, warrants of arrest, and witnesses notices. The record shall always be subject to the inspection of the mayor and any member of the board of councilmen. It shall be the duty of the marshal to collect all fines and cost imposed by the mayor, and he shall be allowed for collecting said fines and cost one half the cost taxed on the warrants by the mayor. He shall pay over to the treasurer weekly the amount received by him, reserving his half costs, accompanied by a sworn statement. He shall further perform all the duties imposed upon him by law and by the ordinances of the city, or which may hereafter be imposed. His salary shall be fixed by the board, and he shall be subject to suspension by the mayor until a regular meeting of the board, and then to removal for cause, two-thirds of the board concurring.

SEC. 4. Policemen who may be provided to assist the chief of police shall be elected for twelve months, subject to suspension as provided in the second section of this chapter and to removal from office for cause at any regular meeting of the board. It shall be the duty of the marshal and his assistants to suppress all disturbances of the quiet and good order of the city, and to arrest all offenders against the same, to prevent as far as possible injury to the city property and to the streets and sidewalks, and

to report to the mayor any repairs needed, to report complaints of any disordly houses or houses of ill-fame in the city, to ascertain if spirituous liquors are retailed by any person in the city other than those authorized by law, and report the same.

SEC. 5. Policemen have authority if resisted in the execution of their duties to summon a sufficient number of men to aid them in enforcing the law; and if any person so summoned shall refuse to assist, the policeman is hereby directed to report the same to the mayor who shall proceed against them as the law directs.

SEC. 6. Whenever the city police shall have good reason to believe that a person who has committed, or who is in the act of committing a violation of law or ordinance, they shall have power to enter the same without warrant for the apprehension of such person; and if necessary to summon a posse to aid them; and all persons so summoned shall have like power.

SEC. 7. Upon the occurrence of a fire the policeman shall give instant alarm by ringing the alarm bell at the police station and causing others to be rung, if possible; and shall be present at every fire to preserve order and to protect property under the direction of the mayor, or in his absence under the direction of the marshal. They shall not enter into any house or yard except in pursuit of a fugitive or to suppress disorder. No policeman shall participate in any political or other public meeting while on duty. They are also forbidden to frequent liquor houses except in the legitimate discharge of their duties. A failure to conform to the provisions of this ordinance shall subject the offender to immediate suspension and ultimate removal from office, according to previous ordinances of this chapter, sections 2 and 4. They shall secure in jail or in the police guard rooms all persons who shall make a disorderly noise in a street or elsewhere in the city, or who shall otherwise disturb the good order of the same, violate the ordinances of the city or the laws of the State.

SEC. 8. Any person who shall assault, oppose, ridicule, resist or in any manner abuse an officer of the city or member of the police while in the discharge of his duty, shall upon conviction be fined twenty dollars or imprisoned for one month, with or without labor.

SEC. 9. When any member of the police force shall be unable from sickness or other unavoidable cause to per-

form his duty, he shall notify the mayor, who is hereby authorized to employ a substitute for the particular occasion, the expenses of the said substitute to be deducted from any amount due the said policeman.

SEC. 10. On public occasions when in the mayor's judgment it may be necessary, he shall be authorized to appoint and commission special policemen to take chage of such localities as may be designated, for the preservation of order and decorum; provided the expense on this account shall be passed upon by the council, and provided the mayor shall be authorized to withdraw any authority granted under this ordinance and appoint other officers when he may deem it expedient.

SEC. 11. The city marshal shall be required to make on the first Monday in each month returns verified by oath of all fines, forfeitures and collections of every kind which have been or ought to have been received by him by virtue of his office for the preceding month, not previously returned. Said statement shall be filed with the clerk of the board, who shall report the same at the first meeting thereafter. The said city marshal shall pay weekly to the treasurer for the use of the city the amount owing by him.

SEC. 12. The duties of the present police force until otherwise ordered, shall be distributed as follows: The person assigned for night duty shall take his position at the police station at 7 o'clock p. m. and remain until 12 o'clock m. He shall then be relieved and the officer relieving him shall remain from 12 o'clock m. to 7 o'clock a. m. The persons assigned for day duty shall relieve the night policeman at 7 o'clock in the morning and remain on duty at the station house until one o'clock. He shall then be relieved and the officer relieving him at one o'clock shall remain on duty until 7 o'clock p. m. The officer performing street duty shall go on duty at 7 o'clock a. m. and remain until one o'clock p. m., and he shall be relieved at one o'clock p. m., and the officer relieving him remain on duty until 7 o'clock p. m. He shall then be relieved by another officer who shall remain on duty until 12 o'clock p. m. If either night or day policeman sleep on his post or absent himself from the same during his hours of service, or if the city marshal or any policeman found intoxicated while on duty, they shall be subject to suspension or dismissal from service. The officer on duty at the time at the station house shall give the fire alarm, and shall have

charge of prisoners who may be committed to the guard house, and shall prevent any loafing around the City Hall offices, and shall be responsible for the cleanliness of the same.

SEC. 13. The city marshal is responsible for the execution of the above regulations, and he is hereby authorized and instructed to make such arrangements as may be necessary to carry them out. And it is hereby declared to be his duty to pass around the city at reasonable intervals, and give his attention to the enforcement of the ordinances of the city, to superintend the works which may be ordered for securing and promoting the health, convenience, or ornament of the city, to diligently use the money which shall be put into his hands for the purpose of carrying out the resolves and orders of the board of councilmen with as little delay as possible, to attend the meetings of the board, and in general, to perform all lawful orders or commands given by it.

SEC. 14. The uniform of the marshal and each member of the police shall be a dark blue sack coat, vest and pants, with brass buttons and the letter P. engraved thereon, a dark blue or black helmet hat, and the metalic badge now in use, which badge shall be worn on the breast of the coat. The above uniform shall always be worn whenever said officer shall be on duty unless otherwise ordered by the police committee.

SEC. 15. Whenever in the opinion of the mayor it shall be proper and necessary to employ a secret detective, the mayor shall have power to do so; provided no greater expense than twenty-five dollars shall be incurred without a previous vote of the board of councilmen.

CHAPTER III.

STREETS AND PUMPS.

SECTION.
1. Duty of Marshal.
2. Footways and gutters.
3. Cellar doors.
4. Wells, pumps and cisterns.
5. Encroachments on streets.
6. Obstructions on streets.
7. Wood and coal on streets.
8. Shade trees.
9. Hitching horses.
10. Rubbish on streets.
11. Removing loam, &c.
12. Sidewalks.

SECTION.
13. Speed of loaded carts.
14. Fast driving, &c.
15. Vehicles not to be stopped on sidewalks, &c.
16. Playing games and throwing stones, &c.
17. Injury to bridges and lamps.
18. Vehicles not in use.
19. Injury and improper use of wells and pumps.
20. Firing arms, &c.
21. Signs and lamp posts.

SECTION.
22. Marshal on working streets.
23. Bills examined.
24. Market dock.
25. Shells to be thrown on wharf.
26. Not in dock or harbor.
27. Vehicles cutting into ditches.
28. Coops, booths, stands and stalls.
29. Gutter pipes and drains.
30. Ditches and holes on sidewalks.
31. Waste paper, &c. on streets.

SECTION 1. The marshal shall employ and superintend all the laborers required by the city to work upon the streets and other public works. He shall report to the street committee weekly the time that each employee has worked, the cost of the labor and material and all other expenses incurred by him on account of the city. He shall further perform all the duties imposed upon him by these ordinances or which shall hereafter be imposed by the council.

SEC. 2. Every occupant of a lot on any street shall keep the footway clean and the gutter open and free from obstructions as far as such lot extends. If any rubbish, dirt, filth or other thing be placed or left without lawful authority on such footway or in such gutter, the occupant of the lot shall remove the same. If twelve hours elapse after notice by the marshal, by the mayor or one of the council, without removal, the occupant shall upon proof of the same be fined three dollars.

SEC. 3. Every owner of a house on a street which has a cellar door, vault or pavement of wood, stone or brick, shall keep the same in repair. If he shall, after being notified to do so by the mayor, a member of the street committee or by the marshal, fail for the space of five days to repair the same, he shall be fined five dollars. And every day which shall elapse thereafter until the repairs are made shall constitute a distinct offence. If there be several owners of such house it shall be sufficient to give the notice to any one of them; if the owner be a non-resident the notice may be given to his agent or to the occupant of the house.

SEC. 4. If any person shall throw filth or rubbish of any kind into the public wells, or in any manner injure the public pumps, he shall be fined five dollars or imprisoned ten days.

SEC. 5. No citizen of Newbern shall encroach upon the streets by erecting any piazza, porch, stoup, paling, chimney or other obstruction on pain of being compelled to remove the same; or, at the option of the council, of paying such annual tax as may be imposed by the board.

SEC. 6. No brick, stone, wood or other substance obstructing the streets shall be suffered to be in the same. And no person shall place in any street or alley or upon any sidewalk, boxes, casks, crates, barrels or other obstructions; provided, however, that building material, earth and other obstructions of like character may be, by permission of the mayor, in writing, allowed under such restrictions as he may prescribe. Every person offending against these provisions shall, upon conviction, be fined five dollars for each and every offence, and a like sum for each and every day that such obstructions are permitted to remain.

SEC. 7. No wood or coal shall be allowed to remain on the streets or foot ways obstructing the same for a longer period than twelve hours after said wood or coal shall have been delivered to the person ordering the same. For a violation of this section a fine of two dollars shall be imposed upon the party or parties ordering the same, for each day the coal or wood may remain on the street or foot way.

SEC. 8. The citizens may plant trees in front of their lots on the line dividing the foot way from the street, and if any person shall destroy, cut or disfigure such trees without permission from the council or mayor, he shall pay a fine of five dollars upon conviction.

SEC. 9. No person shall fasten a horse or other animal to the street trees of the city or any fence enclosing public grounds, or grounds of public institutions. For a violation of this section persons upon conviction shall be fined one dollar.

SEC. 10. All persons are prohibited from depositing any dirt taken from any cellar or other place, upon any of the streets of the city without permission of the marshal. A violation shall subject the offender to a fine upon conviction of ten dollars.

SEC. 11. No person shall remove any sand or dirt from the street, or loam or clay from any public lot of the city, to a point either within or without the limits of the corporation. The offender shall be fined three dollars for each and every offence. It shall be the duty of the officers of the city to report to the mayor any breach of this section immediately.

SEC. 12. No person shall lead, ride or drive any horse or other animal upon any foot way, except such part of it as lies directly between the carriage way and the en-

trance to an adjacent lot, and only for the purpose of going into and out of said lot. Nor shall any one place on the foot way of a public street, any wheel barrow, hand cart, hand carriage or any other vehicle, except in passing directly across the foot way into or out of a house or lot. Offenders shall be fined two dollars for each offence: Provided, nothing in this section shall prevent the use on such foot ways of a carriage conveying an infant or an invalid.

SEC. 13. No person shall drive any loaded dray, cart or wagon in a public street out of a walk, nor shall the driver of any vehicle on the street, wantonly with his whip or otherwise, annoy others, or suffer his vehicle to stand or pass on any business street without holding the reines, except in the case of a wagon, cart or dray while delivering or receiving a load. When vehicles meet each shall go to the right; when going in the same direction one passes another it shall pass to the right, and the driver passed shall give way for the purpose. Any person offending against the provisions of this section shall be fined two dollars for each offence.

SEC. 14. No person shall ride or drive a horse or other animal on any street faster than an ordinary trot, nor break any horse or other animal in any street. For each offence the person convicted shall pay a fine of five dollars.

SEC. 15. No person shall stop any vehicle on a foot way or common crossing for foot passengers. For doing so he shall be fined one dollar. And for every five minutes he shall remain after being warned to leave, he shall be regarded as committing a distinct offence. Provided, the driving of a cart or wagon on the foot way to deliver wood or coal shall not be deemed a violation of this section, if the same be delivered without delay, and the vehicle removes from the footway as soon as the load is delivered.

SEC. 16. All games of every description, the throwing of stones, shot or missiles on the streets and sidewalks of Newbern are forbidden, and every person offending against this section shall be fined two dollars for each and every offence.

SEC. 17. Any person who shall injure a bridge or other property belonging to the city, or place obstructions in any culvert, drain or sewer, public or private; or injure any of the city lamps or lamp posts, shall be fined upon

conviction ten dollars. And if he fail to repair the injury or remove the obstruction for twenty-four hours after notice from the mayor or a member of the street committee, every day that shall elapse thereafter without such repair or removal shall constitute a distinct offence.

SEC. 18. No wagon, cart, carriage, buggy or other vehicle shall be permitted to stand in any street when not in use by the owner. The offender shall be fined one dollar upon conviction for each offence.

SEC. 19. No person shall put or allow tubs or barrels to stand, or do the cleaning thereof at the public pumps. Neither shall any one wash articles, nor water, nor wash animals about the public pumps. The offender against the foregoing part of this section shall be fined two dollars upon conviction. If any person shall wilfully or negligently by unreasonable or violent use or otherwise, injure any public well or pump in the city, he shall pay a fine of five dollars. And the city police are instructed to use special diligence in carrying this section into effect.

SEC. 20. Any person who shall shoot off a gun or other fire arms, or shoot any rocket, pop-cracker or other fireworks, or any combination of gun powder or other explosive material in any street or foot way; or shoot off any gun or other fire arm charged with ball or shot or any other deadly thing, within two hundred yards of any habitation within the city, except in cases of necessity, shall be fined five dollars for each offence; provided, nothing herein contained shall prohibit the exhibition of fire works authorized by the mayor on occasions of public rejoicing.

SEC. 21. Any person who shall injure or deface any sign or sign post belonging to another, or any lantern, lamp or lamp post, or the works or machinery of another, or pollute any well of water belonging to another, shall pay a fine of ten dollars upon conviction.

SEC. 22. Neither the marshal nor the street committee shall enter upon any work except ordinary repairs without the consent of the board. And whenever any work is proposed to be done a detailed estimate of the costs shall be submitted to the board. And the person charged with the execution of any work shall in all cases make a requisition on the mayor for supplies wanted on the work, and if approved the mayor shall direct the clerk to issue an order for the articles wanted. The clerk may prepare

blanks for requisitions subject to the approval of the mayor.

SEC. 23. No account for work by contract shall be allowed until the work so contracted for shall be examined by the mayor, or by a skilled committee appointed for the purpose, who shall certify to the board whether the same is done according to the contract. A mechanic appointed by the board shall take charge of the city pumps and keep them in order; and in case there be no such appointment the city marshal, under the advice of the committee on pumps, shall employ a competent mechanic to attend to the same until an appointment is made by the board.

SEC. 24. No carts or wagons shall be allowed to ply between the private market at the foot of Middle street and the dock, and no offal, garbage, rubbish or other refuse matter of any kind whatever shall be thrown into said dock, or into any other slip or dock in or about the city, and if any one be guilty of a violation of this section he or she shall be subject to a fine upon conviction of five dollars.

SEC. 25. The shells of oysters and clams opened at or on the wharves or in the city docks, whether by boatmen or others, shall be deposited for the use of the city on the wharves where opened, as a compensation for wharfage; any person violating this section shall be fined one dollar.

SEC. 26. It shall be unlawful to throw shells open as aforesaid in section 25, into the docks or into the waters of the harbor, and the doing so shall subject the offender to a fine of two dollars for each and every offence.

SEC. 27. Vehicles shall not be run so close to the drains and ditches of the city as to cut into them, or break down their margins. Any person who offends against this section shall be fined two dollars.

SEC. 28. No person shall erect or place any stand, stall or booth, rack or coop, or any other thing of like nature to be used for the sale of any kind of merchandise, truck, poultry or any article of sale whatever on any street or streets of the city of New Bern; and any booths, stalls, racks, coops or stands, table, or any building erection or place of like nature used or to be used as aforesaid now situated or placed on the street or streets of said city shall be considered an obstruction, and the city marshal is authorized to remove the same; and any person owning such stand, booth, stall, table or other

place above mentioned, or selling at the same, shall be guilty of a misdemeanor, and on conviction shall be fined twenty dollars; provided, this act shall not interfere with any person exhibiting goods or merchandise of any kind in front of their respective places of business, not to exceed three feet from each building.

SEC. 29. All gutter pipes or drains of any kind running from any building or lot in the city of New Bern emptying into the streets of said city shall empty into the ditch lying between the street and sidewalk, and any person or persons owning any building or lot in said city from which any gutter pipe or drain does empty on the sidewalk as aforesaid, shall be guilty of a misdemeanor, and on conviction shall be fined five dollars for each day said gutter pipe or drain is allowed to remain in violation of this ordinance.

SEC. 30. No person or persons shall be allowed to dig or open any ditch or hole of any kind upon the streets or sidewalks of this city without first getting the permission from the mayor. Any one guilty of this offence shall be subjected to a fine of five dollars or ten days imprisonment.

SEC. 31. No waste paper, or other trash shall be set fire to or burned, or thrown or otherwise deposited upon the sidewalks or public streets of the city, except the sweepings which shall be placed in a box, barrel, or some other suitable receptacle, and placed in front of the lot or building; and where it is impracticable to open any package of merchandise in the stores and the sidewalks shall be used for that purpose, all letters, trash, nails or strippings shall immediately be cleaned up and deposited in said barrels, boxes, or other receptacle; and in no event should there be any nails left there or about the place where said packages of merchandise are opened. Any person or persons violating this ordinance shall upon conviction be fined two dollars.

CHAPTER IV.

FIRE DEPARTMENT.

SECTION.		SECTION.	
1.	Governed by its own rules.	4.	Co-operation of police.
2.	Wagons subject to mayor, &c.	5.	Fire Department, penalty for erecting wooden buildings, &c.
3.	Hostlers, appointment.		

SECTION 1. Until other regulations be established the

conduct of the fire department in drilling for exercise, and in the order of proceedings in all alarms of fire, shall be governed by their own private by-laws and rules.

SEC. 2. At all other times the horses and wagons belonging to the department with the drivers thereof, shall be subject to the orders of the mayor, who may employ them in any manner he may think proper under the marshal, within the jurisdictional limits of the city, in the business connected with the government thereof.

SEC. 3. The hostlers of the fire department shall be appointed by the mayor, on the recommendation of the company for which said hostler is appointed from time to time, whenever there is a vacancy under their own orders and rules, and shall also be subject to removal by the mayor for cause, under the same rules and regulations that govern his power to remove other city employees.

SEC. 4. Upon the occasion of a fire the police force, except the officer on duty at the station, shall hasten to the place of the fire, and there under the direction of the mayor, or, in his absence, under the marshal acting in concert with the chief of the fire department, take charge of and guard all property which may be exposed, or which may be put in their custody; to detain all suspicious or disorderly persons, and to do whatever may be lawfully done to protect the property and rights of citizens and preserve the public peace.

SEC. 5. That the portion of the city lying east of Hancock street and south of Broad street shall be known as the Fire District of the city of New Bern, and any person or persons who shall erect or cause to be erected, or shall attempt to erect any wooden building, or shall erect or attempt to erect or cause to be erected any ell or addition of any kind to any wooden building now erected within said district above described until said locality shall be visited and inspected by the fire district committee, who shall report on such erection, addition or alteration, and the same ratified by the board—shall be deemed guilty of a misdemeanor, and upon conviction shall be fined fifty dollars, or imprisoned thirty days; and each day said wooden building shall so stand or remain in course of erection shall be a violation of said ordinance.

CHAPTER V.

DISORDERLY HOUSES, DRUNKENNESS, GAMING TABLES, &C.

SECTION.
1. Disorderly and bawdy houses.
2. Police may demand admission.
3. Cursing and indecent exposures and drunkenness.
4. Riot and disorders.
5. Gaming on streets.

SECTION 1. Every person who shall keep a disorderly house or house of ill fame within the limits of the city, and any person who shall knowingly rent a house to be used as a house of ill fame shall be fined upon conviction ten dollars. And every day it is so kept shall constitute a distinct offence. All adult persons living in such houses shall be considered the keepers thereof and be subject to the penalty of this section.

SEC. 2. If the occupant of any house shall refuse to open the doors and give entrance to any officer of the city or members of the police demanding admission, for the purpose of suppressing disorderly conduct therein, he or she shall pay a fine of ten dollars.

SEC. 3. Every person found guilty of loud and boisterous cursing and swearing in any street, house or elsewhere in the city, and every person found drunk in the streets, alleys or in any public place of the city, disturbing the peace thereof, or violating the rules of decency, or any person found drunk and down in the streets of the city, shall be fined on conviction five dollars.

SEC. 4. If any person shall commit a breach of the peace, or engage in any riotous or disorderly conduct within the limits of the city, he shall pay upon conviction a fine of twenty dollars. Provided, this section shall not be construed to relieve the mayor from the duty of binding over the offenders according to law, if the offence is one not properly triable before the mayor's court.

SEC. 5. No faro or roulette table or other tables or places for games in any manner resembling those, nor any other games of chance or adventure where money or other things of value are bet, or whereby the purchase of any article depends upon chance, nor the sale of any prize boxes of candies or other things wherein the purchaser is promised or led to expect anything over and above the articles purchased shall be made, exhibited or take place in any of the public streets of the city. The offender upon conviction shall be fined twenty-five dollars. Whenever any policeman sees any person violating this section, it

shall be his duty to arrest the offender and bring him before the mayor to be dealt with.

CHAPTER VI.

Observance of the Lord's Day.

SECTION.
1. Games and plays forbidden.
2. Abetting disorder, drunkenness.
3. Stores, &c., to be closed.
4. Liquor and barber shops.
5. Duty of police.
6. Bathing Sundays.

Section 1. No person shall be allowed to play at any game on Sunday in the streets or in any public saloons for eating or drinking, or in any houses or grounds for sporting. A violation of any one of these provisions shall subject the offender to a fine of five dollars. And the proprietor of such saloon, keeper of a billiard or other gaming table, pins alley, or ten pins alley or other sporting ground, who permits a game to be played at his table or place on Sunday shall upon conviction be fined ten dollars.

Sec. 2. Any person who shall be present on Sunday aiding or abetting at any unlawful or disorderly assembly, or who shall be found drunk on the streets shall pay a fine of two dollars for every such offence.

Sec. 3. Any person who shall keep open any store or shop on Sunday for the purpose of buying, selling and transacting business except in cases of necessity, shall pay upon conviction a fine of ten dollars. But drug stores and apothecaries' shops may be kept open at all times.

Sec. 4. Saloons and halls for the sale of spirituous, vinous and malt liquors shall not be kept open on Sunday, nor the ordinary business transacted therein on said day. The offender shall pay a fine of twenty-five dollars for each and every offence.

A barber who keeps his shop open for ordinary business on Sunday shall upon conviction be fined two dollars for each offence.

Sec. 5. It shall be the duty of one policeman under the direction of the mayor to go around at least once a month for the purpose of apprehending persons offending against the provisions of this chapter of ordinances, or who may be found violating any of the ordinances of the city or laws of the State; and for the purpose of detecting and bringing to justice all persons offending against the peace and good order of society.

SEC. 6. No bathing shall be permitted after 9 o'clock a. m. on Sunday in any bath house in the city limits, neither shall any owner of any bath house within the city limits, be permitted to keep open said bath house after 9 o'clock a. m. on the Sabbath day. Any person violating this ordinance shall be fined five dollars.

CHAPTER VII.

THE MARKET.

SECTION.	SECTION.
1. Market days and hours.	6. Hay, oats, fodder.
2. May appoint a clerk.	7. Fish, also fish boats.
3. Duty of the clerk.	8. Duty of police as to market.
4. Intoxicating liquors.	9. Fish hucksters.
5. Corn, how sold.	10. Oyster measures.

SECTION 1. The grounds and building which are now, or which may hereafter be established and used for the purposes of a public market, shall be under the superintendence and control of the city authorities. Every day shall be a market day except Sunday; and the market hours shall be from 4 a. m. until 9 p. m. upon every market day except Saturday, upon which latter day it shall be from 4 a. m. to 10 p. m.

SEC. 2. The board of councilmen may appoint a clerk of the market with powers and authority as policeman; who shall give bond, if required, for the faithful performance of his duties and whose compensation shall be fixed by the board.

SEC. 3. The duties of the clerk of the market shall be to see that the market house and grounds are kept clean and decent; to preserve good order therein; to inspect whatever is brought to market; to rent out under the direction of the council such stalls, stands and benches as may belong to the city, and collect the rent for the same for the benefit of the city. In case any meat, fish or other article be offered for sale which he shall deem unfit, unsound or unwholesome, he shall direct it to be withdrawn; and if the direction be not complied with, the person offering the objectionable article shall be fined five dollars upon conviction. If any person attending the market shall appear there intoxicated, or shall act in a rude or disorderly manner he shall be taken before the mayor, and upon conviction of any such offence be subject to a fine of two dollars.

SEC. 4. No person shall be permitted to expose to sale in the market house or grounds spirituous, vinous or fermented liquors to be used there as a beverage. A violation of this section shall subject the offender to a fine of five dollars for each offence.

SEC. 5. All corn and corn meal sold within the limits of the city shall be by weight, and fifty-six pounds of corn and fifty pounds of corn meal shall be equal to a bushel. Any person who shall sell corn or meal contrary to said regulation, shall pay a fine of five dollars for each offence. Provided, that sales of one bushel by measure and under may be done by measure.

SEC. 6. All fodder, oats, hay or other such provender sold in the city shall be weighed on the public scales, and the weigh-master shall give a certificate of the load, and also of the cart or wagon when unloaded. And if any person shall buy or sell fodder, oats, hay or other like provender, which has not been weighed as herein directed, he shall pay a fine of three dollars for each offence; provided, this section shall not apply to sales of three hundred pounds or under. The weigh-master's fee shall be paid by the seller, and the rate per load shall be as heretofore in use.

SEC. 8. Persons selling fish at the foot of Middle street shall not sell the same on the wharf at the foot of said street or on the market platform between the fish stalls and the foot of the street, and fish boats shall not come higher up the basin for the purpose of selling fish than the upper fish stalls in the market. A violation of either of these provisions shall subject the offender to a fine of five dollars.

SEC. 8. The marshal or a policeman shall visit the market at the foot of Middle street daily (Sunday excepted) between the hours of 11 and 12 o'clock, and see that the market is thoroughly cleansed and in good order, and that no loafers are lounging thereabout.

SEC. 9. No fish huckster shall sell fresh fish south of South Front street at retail, except in a fish boat or in the city market. Any offender shall be fined two dollars on conviction.

SEC. 10. No oysters shall be sold at retail in tin measures except said measures be perforated in such a manner as to allow all liquor to run out. Any person guilty of so doing shall upon conviction be fined not more than five dollars, not less than one dollar.

CHAPTER VIII.

NUISANCES.

SECTION.

1. Tanyard, slaughter houses and distilleries.
2. Stagnant waters in cellars.
3. Dead animals.
4. Privies.
5. Police to examine yards, privies.
6. Kitchen slops.
7. Hog stys.
8. Loud hallooing or cursing.
9. Indecent exposures, indecent words or figures.
10. Bathing in rivers.
11. Lewed women.
12. Guano.
13. Obscene or profane language.
14. Bar rooms to close at 12.

SECTION 1. No tanyard, slaughter house nor distillery of spirits or turpentine shall hereafter be established within the limits of the city without permission of the council. And all persons violating this section shall pay a fine of twenty-five dollars, and if the tanyard or distillery be suffered to remain for thirty days after notice from the mayor or city council to remove the same, every day after said term of thirty shall constitute a distinct offence, and for each day the establishment shall be so suffered to remain, the offender shall pay a fine of ten dollars.

SEC. 2. Stagnant water in cellars or other places shall be removed upon notice by the city marshal or mayor, and the failure to remove for twenty-four hours after notice shall subject the offender to a fine of five dollars, and each subsequent day it shall be allowed to remain shall constitute a distinct offence.

SEC. 3. It shall be the duty of every occupant of a city lot to remove from the same any dead animal or other nuisance which may happen to be thereon, without the limits of the city, at least one hundred yards from the bounds thereof, and from any public road, and if it be a large animal to bury the same. A failure to perform the duties of this section shall subject the offender to a fine of ten dollars.

SEC. 4. No privy shall hereafter be constructed nearer than ten feet to any public street, or nearer to a neighbor's residence than it is to the owner's, if that can be avoided. The sink shall not be more than two feet deep. Tenants shall cleanse their privies at least once in each month, and in the months of May, June, July, August and September shall have a sufficient quantity of lime, ashes or other deodorizer thrown into them to prevent them from becoming offensive; and filth removed from them shall be deodorized with copperas, chloride of lime

or other disinfectant before they are carried away. A violation of any of the provisions of this section shall subject the offender to a fine of five dollars for each and every offence. And in case of new privies put up in violation of this section the offender shall be subject to a fine of five dollars, and each week he suffers it to remain after notice from the marshal or a policeman to remove it, shall constitute a distinct offence, and shall subject the offender to a like penalty.

SEC. 5. It shall be the duty of the policemen under the direction of the mayor or a councilman to investigate the condition of privies, back yards and other places in the city when the council shall require it, and to notify the owners or tenants of the places found in a filthy condition to cleanse the same. If they are not cleansed in five days after notice the party in default shall pay a fine of five dollars, and two dollars for each day such nuisance shall continue.

SEC. 6. No person shall be allowed to convey out of his or her kitchen, dish water or other slops into any of the streets of the city; and no person shall be allowed to throw filth of any kind, or conduct the same by drains into the streets, ditches or gutters of the city. A violation of any of the provisions of this section shall subject the offender to a fine of five dollars for each and every offence.

SEC. 7. No hog sty shall be located within twenty-five feet of any public street within the city; the offender against this provision shall be subject to a fine of five dollars. And all such stys wherever located shall be regularly cleansed and kept free from offensive odors. A failure to comply with this requirement shall subject the delinquent to a fine of two dollars. And each day after notice it remains out of order shall be a distinct offence.

SEC. 8. Any person who shall be found guilty of loud hallooing or screaming, or making any loud or extravagant noise, except in case of fire, in the city in the day or night time shall be fined three dollars.

SEC. 9. Any person who shall indecently expose him or herself in any place to view, and do any obscene act in a public place, or write obscence language, or make obscene marks or drawing on any fence or wall in a public place, or cut and disfigure the street walls or fences, or affix advertisements or bills to houses, walls or fences without leave of the owners, shall for a violation of any

one of these provisions pay a fine of five dollars for each offence.

SEC. 10. No person shall be allowed to bathe during the day time south of the Railroad wharf on East Front street, in Neuse river, nor east of Long wharf in Trent river. All persons violating this section shall be fined two dollars or imprisoned ten days without or with labor.

SEC. 11. Any lewd woman or other person or persons committing any breach of the peace, or indulging in disorderly conduct of any character within the city limits, shall pay a fine of twenty dollars or be imprisoned for twenty days for each and every offence.

SEC. 12. Every consignee of guano or other manure, or article offensive to the smell or detrimental to health, shall within four days after notice of its arrival remove the same; or if retained within the city shall stow it in such manner as not to be offensive to the neighbors or injurious to their health. If any person violating this section shall after four days notice from the mayor through a policeman, fail to remove or to stow the same properly, he shall pay a fine of ten dollars, and each day it remains after said notice of four days shall constitute a distinct offence.

SEC. 13. All persons who are heard using vulgar or profane language on the streets of the city shall be fined one dollar upon conviction.

SEC. 14. All bar rooms in the city shall be closed every night at 12 o'clock and not reopened for business until daylight in the morning. A violation shall subject the offender to a fine of five dollars for each and every offence.

CHAPTER IX.

DOGS AND OTHER ANIMALS.

SECTION.

1. Dogs taxed.
2. Dog badges.
3. Penalty for not giving in.
4. Dogs without badges.
5. Dogs not of the city.
6. Gatherings of nuisances.
7. Animals not allowed to go at large, &c.
8. Disposition of the sale money.
9. Penalty for suffering animals to go at large.
10. Hogs in city limits.
11. Dogs and sluts.
12. Driving cattle.

SECTION 1. It shall be the duty of every person at the time of giving in the annual list of taxable property for the city, or at such other time as may be provided by the board of councilmen, to declare on oath the number of

dogs or sluts he may own, or which may belong to any one boarding or residing in his family.

SEC. 2. The tax collector shall prepare dog badges not exceeding in price ten cents, and shall issue one for each dog or slut which shall be listed as aforesaid, and for which the tax shall be paid as aforesaid. And it shall be the duty of all owners of dogs and sluts, upon paying the tax, to purchase of the collector a badge as above described which shall be attached to the animal.

SEC. 3. Should any person fail to give in his dog or slut in the manner prescribed, and pay the tax for the same as provided in the city charter, he shall be guilty of a misdemeanor, and shall be fined upon conviction five dollars or imprisoned ten days; and each dog or slut omitted shall constitute a distinct offence.

SEC. 4. It shall be the duty of the city marshal to provide at the expense of the city, a pound in or out of the same for the impounding of dogs, and to capture all which shall be found in the streets or other public places in the city without the aforesaid badge, and to impound them for two days; and if they shall not be reclaimed and the proper tax and also costs and charges paid within said time, then it shall be his duty to put the animals to death as nuisances. For his services in carrying out these provisions the city marshal shall be allowed as follows: for capture of an animal, 25 cents; for feeding the same per day, 5 cents; for killing and transportation of the carcass to such place as is required by ordinance, 25 cents; which sums shall be paid by the owner, and if not paid by him shall be a charge on the city.

SEC. 5. If a dog or slut belonging to any person not a resident of the city or within one mile of the same, shall be taken up under the foregoing provisions, the same shall be delivered to the claimant without charge: provided the claim be made in twenty-four hours after seizure, but if not made within said time the claimant shall pay costs and charges; and provided, further, it shall not be lawful to seize any dog or slut belonging to any person not a resident of the city if the animal shall be attached to a vehicle of the owner, or shall be within his personal presence.

SEC. 6. All gatherings of dogs and sluts in the public streets and alleys disturbing the quiet and good order of the same are hereby declared to be nuisances, and it shall be the duty of police officers to abate the same in

the best and speediest way, by killing the animals if necessary.

SEC. 7. No Horse, Poney, Bull, Oxen, Cow, Calf, Mule, Hog, Goat, Sheep, Geese or Ducks, shall be allowed to roam at large or to remain for the purpose of pasturage or to graze upon any of the streets or open lots or grounds within the corporate limits of the city of New Bern. It shall be the duty of the city marshal to impound such, and to sell the same at the court house door to the highest bidder, after five days notice at the court house door and in a daily paper of the city, unless the owner shall have reclaimed them by paying to the city marshal one dollar and all expenses of impounding them; and one dollar shall be collected as often as any of these animals shall be permitted by their owners to go at large.

SEC. 8. The money arising from the sale of any one of said animals over one dollar and expenses shall be paid to the owner, or if the owner cannot be found, to the city treasurer. If the animals belong to non-residents they may be redeemed by the payment of 25 cents each and the expenses of impounding them, and all moneys received from such sales over and above 25 cents each and expenses, shall in like manner be paid to the owner if he can be found, and if not to the city treasurer.

SEC. 9. Any person permitting any of the animals enumerated in the seventh section of this chapter to run at large upon any of the streets of the city shall be fined upon conviction two dollars for each offence.

SEC. 10. No hog or hogs shall be kept within that portion of the city of New Bern, between May 15th, and Nov. 15th, described and bounded as follows: Beginning at the Railroad warehouse on Neuse river and running thence with the railroad to Queen street, then with Queen street to Bern street, then down Bern street to Lawson's Creek or Trent river, then with said river to Neuse river, and, then to the beginning. Any person violating this ordinance shall on conviction be fined two dollars.

SEC. 11. Any dog or slut which shall be found on any premises for five successive days, shall be deemed the property of the owner, or if said premises be tenanted, of the occupant of the premises on which said dog or slut shall be found.

SEC. 12. No cattle of any kind that may be brought to the city for sale shall be allowed to be driven through any street of the same without having one rope on fore

foot and one on head, and end of said ropes to be carried by some person not less than 21 years old, except when two are securely tied together, and then only two men with ropes as stated. Any one guilty of the above offence shall be fined upon conviction not less than five dollars for each and every offence.

CHAPTER X.

CEMETERIES.

SECTION.		SECTION.	
1.	Names and uses of.	12.	No person to pass over walls.
2.	Sexton for each.	13.	Shooting in.
3.	To dig graves.	14.	Horse not to move fast.
4.	To enforce regulations.	15.	Deposit of filth.
5.	Sexton's duties and salaries.	16.	Earth not to be moved.
6.	Record and report burials.	17.	No play ground.
7.	Fees allowed.	18.	Repair of vaults.
8.	No person but sexton to dig.	19.	Purchase of lots.
9.	Interference with private lots.	20.	Mayor to make deed.
10.	Removing or defacing memorials.	21.	Exhuming bodies.
11.	Injury to shrubs or flowers.	22.	Sexton, police powers.
		23.	Fences and hedges.

SECTION 1. The graveyard usually called "*Cedar Grove*" shall hereafter be used exclusively for the burial of white persons; and the cemetery called "*Greenwood*" shall be used exclusively for the burial of colored persons: provided, that colored persons owning lots in Cedar Grove may continue to use the same for the burial of their dead.

SEC. 2. There shall be appointed at the regular May meeting of the councilmen in each and every year, a sexton to take charge of the Cedar Grove cemetery and a sexton to take charge of the Greenwood cemetery.

SEC. 3. Each sexton shall have the digging of all the graves in his cemetery at such prices as may be established, as a part of his compensation. He shall dig them due east and west and five feet deep.

SEC. 4. It shall be the duty of the sexton to see that all the laws concerning the cemeteries are duly observed: and in case of violation to report the same to the mayor.

SEC. 5. The sextons shall keep their respective cemeteries in a neat and clean condition, performing all the work which they may be directed to do by the board, and give their whole time to work in the cemetery. And for this they shall be paid respectively in addition to *fees* allowed herein, two hundred and forty dollars from the city treasury.

SEC. 6. It shall be the duty of each sexton to keep a book in which the name, age, disease of deceased and date of burial in their respective cemeteries shall be be recorded, defining as near as possible the spot where each body is buried, and each sexton shall make a report thereof to the board of councilmen at their regular meeting in November in each and every year.

SEC. 7. The following fees shall be allowed the sextons, to-wit: for digging a plain grave and filling up the same, one dollar and fifty cents; children not over ten years of age, half price; for digging box grave and filling up the same, two dollars; children of ten years and under, half price; vault grave, three dollars; working on private lots in cemetery, to be paid by the owner, twelve and a half cents an hour or one dollar per day.

SEC. 8. No person other than the regularly appointed sexton, shall dig any grave or dig up any sod in the cemeteries, except on lots which have been purchased as private burial lots. Any person violating this provision shall be fined upon conviction ten dollars.

SEC. 9. No person shall dig any grave, put any fence, grave stone or board, make or construct anything, or dig up any sod on a private burial lot, except under the direction and by the consent of the owner thereof. A violation shall subject the offender to a fine of ten dollars for each offence.

SEC. 10. No person shall remove the stakes or boundary stones from a burial lot, nor any board, grave stone nor other memorial or monument which may have been erected at any grave; nor deface, injure or desecrate any such board, stone or memorial in any manner. Offenders shall pay a fine of ten dollars for each offence.

SEC. 11. No person shall cut or in any other manner injure or destroy any tree, shrub or plant, or wantonly injure or destroy any flower, either wild or cultivated, in the cemeteries. Offenders upon conviction shall pay a fine of ten dollars.

SEC. 12. No person shall pass into or out of either cemetery over the walls or fences, but must pass through the gates. Offenders shall be fined two dollars for each offence.

SEC. 13. No person shall discharge fire arms in either cemetery. If this provision shall be violated the offender shall pay upon conviction a fine of ten dollars for each offence.

SEC. 14. No person shall drive, ride or lead any horse or horse and vehicle in the cemeteries faster than a walk. Penalty upon conviction a fine of five dollars.

SEC. 15. No person shall deposit or cause to be deposited any filth or unclean or offensive matter in either cemetery. The offender upon conviction shall be fined ten dollars.

SEC. 16. No person shall excavate any earth in either cemetery, or remove the same therefrom, excepting by the consent or under the direction of the board of councilmen, or of the sexton, or of some other officer legally authorized by the said councilmen. The offender shall pay a fine of ten dollars upon conviction for each offence.

SEC. 17. It shall be unlawful for persons of any age to use either cemetery as a play ground, and it shall be the duty of the sextons to prevent such use. If after being ordered by the sexton to desist they shall continue, it shall be his duty to carry them before the mayor, who shall fine such as are found guilty five dollars each.

SEC. 18. If any of the vaults or other places for the interment of the dead in either of the cemeteries, shall get out of repair or out of order in any respect, it shall be the duty of the sexton to inform the owner thereof, and if he cannot be found or do not attend to it when notified, the sexton shall inform the mayor who shall take such action upon it as he may deem advisable.

SEC. 19. All persons desiring to purchase lots in the cemeteries must apply to the standing committee of councilmen on cemeteries, whose duty it shall be to lay off said lots and receive in cash payment therefor according to valuations arranged by said committee.

SEC. 20. Upon the payment of the sum above required, the committee shall issue a certificate to the purchaser of said lot, specifying the lot and the price paid. And upon the presensation of said certificate the mayor shall make a deed for said lot, and shall cause the clerk of the board to enter in a book kept for that purpose, the date of the deed, the description and price of the lot, and to whom sold.

SEC. 21. No dead body shall be exhumed from either of the graveyards except in the months of November, December, January, February, March and April, and then only by permission of the mayor or board. Penalty, a fine of twenty dollars upon conviction.

SEC. 22. The sextons above named shall have within their respective cemeteries, the power and authority of policemen, and may arrest any person for violation of the ordinances of the city or regulations of their respective cemeteries. And the same authority shall be exercised by their legally appointed assistants.

SEC. 23. No fence shall be erected or hedge grown in Cedar Grove Cemetery over three feet in height, except archways which shall be granted by Cemetery committee. Any person or persons violating this ordinance shall upon conviction be fined five dollars.

CHAPTER XI.

PAYMENT OF MONEY.

SECTION.
1. Order of board, &c.
2. Warrants must state, &c.
3. Clerk to retain stubs.
4. Payment of city debts.

SECTION 1. No money shall be paid out of the city treasury unless by order of the board of councilmen in meeting assembled; and then only by a warrant issued by the clerk of the board, signed by him and countersigned by the mayor.

SEC. 2. All warrants shall state upon their face the nature of the claims for which said warrants are drawn.

SEC. 3. The clerk of the board shall in each and every case retain in a book kept for that purpose, a stub or duplicate of every such warrant issued.

SEC. 4. No debt created by any city officer or employee shall be recognized or ordered to be paid by the board, unless upon a certificate from the clerk that it is due, countersigned by the mayor, and then only for sums not exceeding twenty-five dollars.

CHAPTER XII.

INFECTIOUS DISEASES.

SECTION.
1. Infectious persons brought in.
2. Infected coming in.
3. Hospital and removal.
4. Medicines, &c.

SECTION 1. No person without first obtaining for that purpose the permission of the mayor or the board of councilmen, shall knowingly bring or allow to be brought or shall connive at the bringing into the city any person in his or her employment, or under his or her management or control, afflicted with small pox, yellow fever or other

mortal disease of a contagious or infectious kind, and every person offending against this ordinance shall forfeit and pay twenty-five dollars, and all expenses and charges incurred by the city corporation on account of such afflicted person so brought into the city.

SEC. 2. If any such afflicted person shall come into the city without permission as aforesaid, he shall for such offence forfeit and pay twenty-five dollars.

And the offender against the provisions of either of the foregoing sections (1 and 2) in any respect, shall be guilty of a misdemeanor and fined upon conviction twenty dollars.

SEC. 3. The board of councilmen shall have power to remove from the corporate limits of the city to a hospital or other place without the city, any person who may be afflicted with small pox, yellow fever or other mortal disease of an infectious or contagious character. And it shall be their duty to do so, whenever in the judgment of the board such removal may be necessary and expedient to prevent the further spread of the disease.

Any person attempting by threats or force to prevent a removal to the hospital of any person ordered to be removed thither, shall pay a fine of twenty dollars upon conviction.

SEC. 4. All applications for medicines by the poor of the city, authorized by the board of councilmen, shall be made to the mayor, and he shall countersign the prescriptions and keep a suitable book in which the names of all such applicants shall be recorded.

CHAPTER XIII.

MISCELLANEOUS.

SECTION.

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2. Resignation of councilmen.
3. Dog nuisances.
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5. Cruelty to brutes.
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SECTION.

15. Aqueducts.
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20. Penal laborers.
21. Boys boarding trains.
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SECTION 1. The board of councilmen may at the first regular meeting in May, or at any time during the year, elect a city attorney who shall hold his office during the term of the then existing board. It shall be his duty to act as legal adviser of the board and of the officers of the city, to represent the city in all actions brought by or against it, and to perform such other duties as the board shall from time to time impose. His rate of compensation shall be determined by the board.

SEC. 2. No member of the board of councilmen shall be allowed to tender his resignation except in writing, and the same shall lie on the table as a matter of course, until the next regular meeting.

SEC. 3. All gatherings of dogs and sluts in the public streets and ways disturbing the quiet and good order of the same, are hereby declared to be nuisances, and it shall be the duty of police officers to abate the same in the best and speediest way, by killing the animals if necessary.

SEC. 4. All officers or seamen attached to any steamship or sailing vessel coming into this port, who shall bring goods, wares, merchandise or articles of food, for sale; or who shall buy in this market as aforesaid to sell out of the State, before selling or buying to sell again, shall obtain a license to do so and pay the tax prescribed by ordinance. And if any one shall sell or offer to sell, or buy to sell again within the meaning and purview of this section, he shall be fined upon conviction twenty-five dollars.

SEC. 5. Any and all persons who shall cruelly use or barbarously treat any animal on the streets of Newbern, or in public anywhere within the corporate limits of the city, shall upon conviction before the mayor pay a fine of twenty dollars, or be imprisoned at labor or otherwise for thirty days.

SEC. 6. With respect to refuse matter, garbage, ashes and filth of every description that may accumulate on lots or business stands, it is hereby ordained and directed, that the occupants, and if not occupied, the owners, shall collect and deposit the same in barrels, boxes or other receptacles, on the sidewalks in front of their respective lots on Tuesdays and Fridays of each week before 9 o'clock, a. m., of each day. The person failing shall pay a fine of two dollars.

SEC. 7. It is further ordained that all decayed vegetable matter, offal, garbage or sweepings of any kind, collected in or around the stall of any public or private market, shall be deposited by the occupant of said stalls in fit and proper receptacles, and placed in convenient locations for removal before 10 o'clock, a. m., of each day. The person failing shall pay a fine of two dollars.

SEC. 8. It is ordained that no beast of the cow kind, hogs, sheep or goat shall be slaughtered within the city limits. The violator of this section shall pay a fine of five dollars upon conviction for each and every offence.

SEC. 9. The police are hereby instructed to arrest all persons having no visible means of support, and failing to leave the city or apply themselves to some useful occupation, shall be put to work on the streets by the mayor for twenty days.

SEC. 10. No person or persons shall tear down or destroy any bill, advertisement or poster fixed where it has a right to be by the ordinance of the city, and for an offence in this particular a person convicted shall pay a fine of two dollars.

SEC. 11. Resistance to any of the police in the city in discharge of their duties, by words, threats or the use of physical power, or any attempt to incite others to do so, shall subject the offender to a fine of twenty dollars, or to imprisonment at labor for thirty days.

SEC. 12. No oysters shall be brought to or sold in this market or city, between the fifteenth of May and the first of October of each year. A violation of this ordinance shall subject the offender to a fine of five dollars.

SEC. 13. No person shall be allowed to hang any sign, clothing or articles of merchandise over the sidewalks of the city, unless the same be at an elevation of at least eight feet. The offender shall pay a fine of two dollars for each offence.

SEC. 14. Vacant lots in the business parts of the city must be kept under fence. If not so put and kept by the owners after notice, the city shall do it and tax owners with the costs. A failure for five days after notice to enclose such lots, shall furthermore subject the owners to a fine upon conviction of five dollars.

SEC. 15. All persons shall be required to keep sewers and acqueducts that pass through their gardens, lots or grounds, open and in good order from April first to October first in each year, and upon failure to do so, it shall be the duty of the marshal to open the same at the expense of the owners. And a failure after notice shall also subject the offender upon conviction to a fine of five dollars.

SEC. 16. No barrels, boxes, packages or other obstructions, shall be allowed to remain on any of the sidewalks or any of the streets of the city for a longer period than six hours; provided, this ordinance shall not apply to any boxes, barrels, packages or other obstructions that do not extend more than three feet from the building, nor apply to chicken coops that may be erected over gutters and sewers not less than two feet above ground; and provided also, said barrels, boxes, packages, etc., allowed on the street as above stated shall be withdrawn daily at sunset. A violation of any provision of this ordinance shall subject the offender to a fine of five dollars.

SEC. 17. No person shall engage in carting or draying for hire upon the streets of Newbern, without first obtaining a license to carry on the business, of public draying for six months, and giving a good and sufficient bond of one hundred dollars to indemnify all persons from any damage or loss sustained by reason of carelessness, negligence or breach of trust on the part of said drayman in the pursuit of his business. That each dray and cart shall be numbered. the number thereof recorded upon the license and issued to the party applying therefor. The bondmen aforesaid shall become responsible for any and all loss or damage arising from carelessness, negligence or a breach of trust on the part of the drayman or person in charge of said dray or cart. Any person

who shall change, alter or intentionally deface the number upon any public dray or cart, shall upon conviction be fined ten dollars or imprisoned with or without labor for the space of thirty days. The tax on each cart or dray shall be fixed by the board of councilmen in the general ordinance assessing the license or privilege taxes. And any person found draying or carting upon the streets for hire, without getting a license and giving bond as required, shall upon conviction be fined ten dollars or imprisoned thirty days.

SEC. 18. That the person who may be in the employment of the city authorities to keep the pumps and wells in order, shall be vested with powers of a policeman without salary as such, to look after or protect the same from all damage or injury of any kind; such employee is authorized to arrest any and all persons who may be found violating any of the city ordinances in respect to pumps and wells, and carry them before the mayor to be dealt with as the law directs.

SEC. 19. In carrying into effect the ordinances of the city wherein pecuniary penalties are prescribed, it shall be lawful for the mayor, if the fines be not promptly paid, or if in his judgment they cannot or will not be paid, to substitute or add imprisonment not exceeding thirty days with or without labor. And it shall also be within the discretion of the mayor after conviction to remit the penalties to such fines or terms of imprisonment, as he may judge the nature of the case and the public good require.

SEC. 20. In cases where defendants shall be adjudged to be imprisoned, it shall be competent for the mayor not only to order that the said defendants work, during the period of their confinement, upon the streets and public works of the city; but also shall have power through the marshal of the city, to organize a chain gang of such persons as shall be sentenced as aforesaid, or otherwise to provide some suitable and efficient means to prevent the escape of the prisoners while at work; provided, that in no case shall women or boys under the age of fourteen years be placed in the chain gang; nor shall any means be used to restrain said prisoners which shall be injurious to their health; and provided further, in no case shall the time for which said prisoners shall be sentenced to work exceed thirty days.

SEC. 21. All boys under 16 years of age seen jumping

on the Train while passing through the city shall be fined two dollars and fifty cents for each offence.

SEC. 22. No oyster shells shall be allowed to remain within the city limits longer than twelve hours. A violation of this ordinance shall on conviction be fined five dollars and the shells shall be removed by the city at the expense of the offender.

SEC. 23. No person or persons shall be allowed to smoke either pipe or cigar on the platform erected on Craven street by the Cotton Exchange. Any person violating this ordinance shall be deemed guilty of a misdemeanor and shall be fined on conviction five dollars for each and every offence.

SEC. 24. No person shall be allowed to pass through or over nor swing upon the wire fence around the graded school building. Any one so doing shall upon conviction be fined five dollars for each and every offence.

SEC. 25. No vessel moved by steam power and using wood for the purpose in passing from one part of the city to another or in passing into or out of the same, shall pass nearer to the wharves and docks than two hundred yards. That all steamers shall shut off their exhaust in the smoke stack half a mile before they reach their landing and not to again open the exhaust in the stack until they are half a mile from the landing. For a violation of this ordinance the owners and commanders of such vessel or vessels shall be fined for each offence upon conviction, fifty dollars or thirty days imprisonment.

SEC. 26. All persons wishing license as draymen on the streets of the city shall make application to the mayor and committee on ordinances and licenses, with bond accompanying said application; and if approved by them then the city tax collector is authorized to issue license to said draymen.

SEC. 27. It is ordained that no person or persons shall be allowed to retail any wood from any flat or boat of any kind, lying at any dock or wharf within the city limits without procuring license for selling the same. It is further ordained that no wood, bricks, or any other article of merchandise, shall be permitted to remain on any public wharf within the city limits for a longer period than twelve hours. Any person or persons violating this ordinance shall upon conviction be fined five dollars.

Provided, that this ordinance shall not prohibit parties

living without the city bringing wood, brick and produce within the city from selling the same from any wharf or boat for twelve hours after their arrival.

SEC. 28. *Resolved*, That the foregoing ordinances be and the same are hereby ratified and adopted by the board of city council at their regular session held the 1st day of Dec., 1885; and it is further *Resolved*, that all ordinances heretofore passed for the government of the city of Newbern, which are repugnant to the provisions of the ordinances above set forth, are hereby repealed; but ordinances not so repugnant are still in force. No offence committed and no pelalties incurred under any ordinance thus repealed shall be affected by this repeal.

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